REMARKS

Reconsideration of this application, as amended, is respectfully requested.

Claims 1-56 are pending. Claims 1-56 stand rejected. Claims 1, 26, and 41 have been amended. Support for the amendments is found in the specification, the drawings, and in the claims as originally filed. Applicants submit that the amendments do not add new matter.

Rejections Under 35 U.S.C. §103(a)

Claims 1-56 stand rejected under 35 U.S.C. §103 as being unpatentable over Expertcity.com's Internet service, as disclosed in "Expertcity.com Launches Premier Online Marketplace for Expert Services" (which states that the Expercity.com web site was launched on August 30, 1999) ("Expertcity) and "Rent-An-Expert on the Web" ("RAE"), in view of answers.com, as disclosed in "Applying Technology News" ("ATN"). The Examiner states

> As per claims 1-25, Expertcity.com's server facilitates a connection between customers and experts who can provide them with desired information (e.g., knowledge from the live experts); however, Expertcity.com's information is "live" knowledge as opposed to the claims information recorded and stored in a database. Answers.com makes up for this deficiency in its teaching of an information broker that "uses a combination of published information, proprietary databases, and electronic data from qualified people who provide their own personal knowledge" ("Applying Technology News": ¶ 3) to provide paying customers with answers to their submitted inquiries ("Applying Technology News": ¶ 2). Anwers.com meets the similar information needs met by Expertcity.com's, albeit in a more delayed fashion that enables more research to be conducted when needed to answer a difficult question. Expertcity.com lays the framework for quickly and automatically supplying similarly requested information in a computer network; therefore, the Examiner asserts that it would have been obvious to one of ordinary skill in the art at the time of Applicant's invention to utilize Expertcity.com's framework to supply customers with desired information from a database (as opposed to a live expert source) in order to attract a wider base of customers, such as those who need complex information that requires more research to be conducted in order to glean a more thorough and accurate response.

(p. 9-10, Office Action 3/12/04)

Applying Technology News states

Debuting last December, answers.com is a search engine powered by human beings. All you have to do is type in a question using everyday language and within 24 hours you'll receive an answer via e-mail. Fees depend upon the research level of each question asked and range from $1.79 for a fast fact question to $11.99 for an extended research or compound answer.

(Paragraph 2)

The company uses a combination of published information, proprietary databases, and electronic data from qualified people who provide their own personal knowledge.

(Paragraph 3)

Applicants respectfully submit, however, that claim 1, as amended, is not obvious under

35 U.S.C. §103 in view of Expercity.com and Rent-An-Expert in view of answers.com. Claim 1

includes the following limitations.

A system for recording and delivering information, the system comprising:
a communications interface;
a controller computer being linked with the communications interface, the controller computer having:
a database to store the information recorded by an information provider;
a first logic unit linked with the database to establish via the communications interface a first communication connection with the information provider over which the information provider records the information; and
a second logic unit linked with the database to establish, in response to a user subsequently selecting to receive the stored information and via the communications interface, a second communications connection with the user and to deliver the stored information via the second communications connection to the user.

(Claim 1) (emphasis added)

Applicants have amended claim 1 to clarify that the information is "stored" and

"subsequently" selected to be received by the user. Applicants respectfully submit that neither

RAE nor ATN, alone or in combination, contain this limitation. The information the user

receives in both RAE and ATN is compiled in response to a user input. The information is then

stored, as such, and then delivered to the user. In contrast, claim 31 includes the limitation of an

information provider recording the information and the information being stored in a database.

The information is provided to the user upon the user subsequently selecting to receive the

information. The action of the user does not cause the information to be compiled and stored, the information has already been stored.

What RAE discloses is a system whereby a user inputs a "problem". The response to this input is one or more "bids" that advise i) if the expert can solve the problem, and ii) how much time it will take (or alternatively, an offer to research the problem). Only after receiving the user's "problem" is the information that may be provided to the user determined. Moreover, no information may be provided to the user if the user does not select one of the "bids." Even if one of the bids is selected, the information that is ultimately provided to the user is indeterminate as each expert may offer different information in regard to the user's problem.

Likewise, ATN does not disclose a system, as claimed. What ATN discloses is a system whereby a user inputs a "question" and receives an answer via e-mail. Note that the user has not made a selection of previously stored information, but has input a query. Again the information provided in ATN in response to this query is indeterminate because the "question" is answered at least in part from the personal knowledge of individuals. Moreover the "question" will be answered in different ways depending upon the research level and fee paid for the answer.

In contrast, the present invention includes the limitation of a user selecting previously stored information and receiving that previously stored information. The information that will be provided in response to the user's selection is already stored and therefore is determinate.

For these reasons, applicants respectfully submit that claim 1 is not rendered obvious by the proffered references, alone or in combination. Given that claims 2 – 25 depend, directly or indirectly, from claim 1, applicants respectfully submit that claims 2 – 25 are, likewise, not rendered obvious. Further, given that claim 26 includes the limitation of "stored information" that is "subsequently" selected, and that claim 41 includes the similar limitation of "the user subsequently selecting to receive the recorded information," applicants respectfully submit that claims 26 and 41 are not rendered obvious by the proffered references, alone or in combination. Given that claims 27 – 40 depend, directly or indirectly, from claim 26, and given that claims 42

– 56 depend, directly or indirectly, from claim 41, applicants respectfully submit that claims 27 –

40 and claims 42 – 56 are, likewise, not rendered obvious.

In regard to claim 2, applicants respectfully submit that the Examiner has misread the

limitation of claim 2 and has consequently misapplied the Expertcity reference to claim 2. The

Examiner has stated that

"wherein the server further stores a description of the expertise of each service provider."

(p. 6, Office Action 3/12/04)

Applicants respectfully submit that claim 2 does not include such a limitation, but rather

the limitation of "description of the information" (i.e., not a description of the expertise of the

information provider). While Expertcity may provide information regarding the expertise of the

service provider, Expertcity does not and cannot provide a description of the information. This

is because the information provided by Expertcity is, like that of RAE and ATN, indeterminate

until compiled in response to a user input. Expertcity boasts providing "individualized

responses" in response to "real-time" demands from users.

This clarifies a fundamental difference between the invention as claimed and the cited

references, alone or in combination. None of the cited references can provide a description of

the information because the information that will be provided is not determined prior to receiving

the user input.

For these reasons, applicant respectfully submits that claim 2 is not rendered obvious by

the combination of the cited references. Given that claims 27 and 41 contain similar limitations,

applicants respectfully submit that claims 27 and 41, are, likewise, not rendered obvious by the

combination of the cited references. Given further that claims 3 – 8, claims 28 –32, and claims

43 – 45 depend, directly or indirectly, from claims 2, 27, and 41, respectively, applicants

respectfully submit that claims 3 – 8, 28 –32, and 43 – 45 are, likewise, not rendered obvious by

the combination of the cited references.

It is also respectfully submitted that Expertcity does not teach or suggest a combination

with RAE or ATN, and that RAE and ATN do not teach or suggest a combination with

Expertcity. Expertcity and RAE specifically tout the ability of the user to obtain advice through "person-to-person" interaction and not through machines. Expertcity discloses

> "We are enabling consumers to be served immediately and intelligently by experts rather than machines"

(paragraph 2)

> RAE discloses

> "Over time, customers will rate the advisers on their helpfulness."

(paragrah 6)

> "Help will come from advisers such as Melissa Stevenson ..."

(paragraph 7)

Expertcity and RAE are actually teaching away from the system disclosed in ATN that uses publications, databases, and electronic data that is provided to the user via e-mail.

It would be impermissible hindsight based on applicants' own disclosure to incorporate the system disclosed in Expertcity and RAE, in which a selected expert speaks directly to a user with the system disclosed in ATN, in which a user receives an e-mail based on published information, databases, and electronic data.

It is respectfully submitted that in view of the amendments and arguments set forth herein, the applicable rejections and objections have been overcome. If there are any additional charges, please charge Deposit Account No. 02-2666 for any fee deficiency that may be due.

Respectfully submitted,

BLAKELY, SOKOLOFF, TAYLOR & ZAFMAN LLP

Date: 6/14/04   By: _____

Tom Van Zandt
Reg. No. 43,219

12400 Wilshire Boulevard
Seventh Floor
Los Angeles, California 90025
(408) 720-8300